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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA

13 IN RE CONNETICS CORPORATION
14 SECURITIES LITIGATION

15 _____
16 This Document Relates To:

17 ALL ACTIONS.
18

19 CASE NO. 3:07-cv-02940-SI
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CLASS ACTION

**REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF ALEXANDER
YAROSHINSKY'S REPLY IN SUPPORT
OF MOTION TO DISMISS PLAINTIFF'S
SECOND AMENDED CONSOLIDATED
CLASS ACTION COMPLAINT**

21 Date: August 15, 2008
Courtroom: 10
Time: 9:00 a.m.
Judge: Honorable Susan Illston

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1 **I. INTRODUCTION**

2 Pursuant to the Federal Rules of Evidence Rule 201 (“Rule 201”), Defendant Alexander
 3 Yaroshinsky hereby requests that this Court take judicial notice of the documents identified below
 4 in support of Dr. Yaroshinsky’s Reply in Support of Motion to Dismiss Plaintiff’s Second
 5 Amended Class Action Complaint.

6 **II. JUDICIAL NOTICE IS APPROPRIATE**

7 Rule 201 allows a court to take judicial notice of a fact “not subject to reasonable dispute
 8 in that it is . . . capable of accurate and ready determination by resort to sources whose accuracy
 9 cannot reasonably be questioned.” Fed. R. Evid. 201(b). Dr. Yaroshinsky requests judicial notice
 10 of (i) the court’s Order dated July 10, 2008 in *Middlesex Ret. Sys. v. Quest Software Inc.*, Case
 11 No. CV 06-6863 DOC (RNBx) (C.D. Cal.); (ii) portions of the Second Amended Complaint in
 12 *Middlesex Ret. Sys. v. Quest Software Inc.*, Case No. CV 06-6863 DOC (RNBx) (C.D. Cal.), filed
 13 on January 18, 2008, and (iii) portions of the Amended and Consolidated Class Action Complaint
 14 in *In re Cendant Corp. Litig.*, Case No. CIV.A. 98-1664 (D.N.J.), filed on December 14, 1998. A
 15 court may take judicial notice of its own records in other cases, as well as the records of another
 16 court in other cases. *United States v. Wilson*, 631 F.2d 118, 119 (9th Cir. 1980). Therefore,
 17 judicial notice of these items is appropriate.

18 **III. REQUEST FOR JUDICIAL NOTICE**

19 Based on the above and pursuant to Rule 201, Dr. Yaroshinsky hereby requests that the
 20 Court take judicial notice of the following documents in ruling on his motion to dismiss:

21 1. The Order (1) Granting in Part and Denying in Part Defendants’ Motion to
 22 Dismiss Second Amended Complaint; (2) Ordering Discovery, *Middlesex Ret. Sys. v. Quest*
Software Inc., Case No. CV 06-6863 DOC (RNBx) (C.D. Cal. July 10, 2008), attached hereto as
 23 Exhibit A.

24 2. Excerpts of the “Second Amended Complaint” in *Middlesex Ret. Sys. v. Quest*
Software Inc., Case No. CV 06-6863 DOC (RNBx) (C.D. Cal.), filed on January 18, 2008,
 25 attached hereto as Exhibit B.

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1 3. Excerpts of the "Amended and Consolidated Class Action Complaint on Behalf of
2 Purchasers and Acquirers of All Cendant Corporation and CUC International, Inc. Publicly
3 Traded Securities Except Prides" in *In re Cendant Corp. Litig.*, Case No. CIV.A. 98-1664
4 (D.N.J.), filed on December 14, 1998, attached hereto as Exhibit C.

5 Respectfully submitted,

6 Dated: July 18, 2008

DLA PIPER US LLP

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By /s/ Gerard A. Trippitelli

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